

Dane County

Minutes - Final Unless Amended by Committee

Zoning & Land Regulation Committee

| Tuesday, February 28, 2017 | 6:30 PM | City - County Building, ROOM 201 210 Martin Luther King Jr. Blvd., Madison |
|----------------------------|---|---|
| | City - County Building, ROON | |
| | 210 Martin Luther King Jr. Blvd., | |
| Call to Order | | |
| : : | Chair Kolar called the meeting of the ZLR Comm 54 of the Clty-County Building. Staff present: Allan, Everson, Lane, and Violanto Youth Governance Members present: Harry Jos | e |
| | Note: Miles arrived at 6:42pm | |
| Present | 4 - JERRY BOLLIG, MARY KOLAR, AL MATAN | IO, and PATRICK MILES |
| Excused | 1 - DENNIS O'LOUGHLIN | |
| Public comment for a | ny item not listed on the agenda | |
| , | lo comments made by the public. | |
| <u>2016</u> | Registrants of the February 28, 2017 ZLR | Committee meeting |

<u>RPT-700</u>

Attachments: Feb 28th ZLR registrants

Public Hearing for Zoning Map Amendments, Conditional Use Permits, and Ordinance Amendments

 11083
 PETITION: REZONE 11083

 APPLICANT: BEGHIN LIVING TR, DONALD L & MARIAN M

 LOCATION: WEST OF 8853 COLBY ROAD, SECTION 4, TOWN OF

 PRIMROSE

 CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes

 District

 REASON: update zoning to allow for a single-family dwelling

Attachments: 11083 Staff

11083 Emma Mound Group

<u>11083 Map</u>

<u>11083 App</u>

In Favor: Doug Beghin Opposed: None

A motion was made by BOLLIG, seconded by MATANO, that this Zoning Petition be postponed due to no town action. The motion carried by the following vote: 3-0.

- Ayes: 3 BOLLIG,KOLARandMATANO
- Excused: 1 O'LOUGHLIN
- Absent: 1 MILES

11084PETITION: REZONE 11084
APPLICANT: ELSING REV TR, MARK
LOCATION: 2409 KOSHKONONG ROAD, SECTION 16, TOWN OF
PLEASANT SPRINGS
CHANGE FROM: A-2 Agriculture District TO A-2 (2) Agriculture District
and RH-4 Rural Homes District
REASON: creating two residential lots

Attachments: 11084 Staff

11084 Density (sending property)

11084 Density (receiving property)

<u>11084 TDR Map</u>

<u>11084 Map</u>

11084 App

In favor: Mary Elsing Opposed: None

A motion was made by BOLLIG, seconded by MATANO, that this Zoning Petition be postponed due to no town action. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - O'LOUGHLIN

 11085
 PETITION: REZONE 11085

 APPLICANT: MIGHTY OAK FARM LLC

 LOCATION: 6614 LEE ROAD, SECTION 12, TOWN OF DANE

 CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes

 District and RH-2 Rural Homes District

 REASON: compliance for 2 existing lots and the creation of a new residential lot

Attachments: 11085 Staff

<u>11085 Town</u>

11085 Density

11085 Parcel Status Determination

11085 parcel status history

<u>11085 Map</u>

11085 App

In favor: Jim Grothman, Amy Gallagher, Susan Riedelsel, Chuck Riedesel, Eva Riedesel, Thomas Gallagher Opposed: Dennis Ulvestad was opposed to the location of the home sites stating that they were located in cropped fields rather than wooded non-productive areas.

A motion was made by BOLLIG, seconded by MATANO, that this Zoning Petition be postponed due to public opposition. The motion carried by the following vote: 4-0.

- Ayes: 4 BOLLIG,KOLAR,MATANOandMILES
- Excused: 1 O'LOUGHLIN

| <u>11086</u> | PETITION: REZONE 11086 |
|--------------|---|
| | APPLICANT: RADEMACHER LIVING TR, BRIAN K & NICHOLE R |
| | LOCATION: 5273 OAK PARK ROAD, SECTION 29, TOWN OF |
| | MEDINA |
| | CHANGE FROM: A-1EX Agriculture District TO A-2 (1) Agriculture |
| | District and CO-1 Conservancy |
| | REASON: separating existing residence for farmland and creating a new |
| | residential lot |

Attachments: 11086 Staff

<u>11086 Town</u>

11086 Density

11086 Ord Amend

In favor: Bruce Rademacher Opposed: None

A motion was made by MILES, seconded by MATANO, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote:4-0.

 The petition shall be amended to include a small 66-foot wide parcel to the north of the existing home site. The area shall be rezoned to CO-1 Conservancy.
 The two northerly A-2(1) shall be deed restricted so that the parcels shall be sold as one property and cannot be separated. The parcel to the east of Oak Park Road shall be deed restricted to prohibit the construction of a single-family residence.

3. The proposed parcels shall be deed restricted to identify the Town's animal unit restrictions.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - O'LOUGHLIN

- 11087PETITION: REZONE 11087
APPLICANT: MICHAEL G LARSON
LOCATION: 3745 COUNTY HIGHWAY P, SECTION 27, TOWN OF
CROSS PLAINS
CHANGE FROM: B-1 Local Business District TO A-2 (1) Agriculture
District
REASON: change zoning to allow for a large accessory structure
 - Attachments: 11087 Staff

<u>11087 Map</u>

<u>11087 App</u>

In favor: Mike Larson Opposed: None

A motion was made by MILES, seconded by BOLLIG, that this Zoning Petition be postponed due to no town action. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - O'LOUGHLIN

 11089
 PETITION: REZONE 11089

 APPLICANT: JOHN P ZIEGLER

 LOCATION: 1256 US HIGHWAY 14, SECTION 7, TOWN OF

 RUTLAND

 CHANGE FROM: RH-1 Rural Homes District TO LC-1 Limited

 Commercial District

 REASON: rezone will allow commercial uses on property.

Attachments: 11089 CUP 2369 Staff

<u>11089 Town</u>

11089 Ord Amend

In favor: John Ziegler Opposed: None

A motion was made by BOLLIG, seconded by MATANO, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 4-0.

1. A deed restriction shall be recorded on the property to limit the commercial activity to the "inside storage of business equipment only".

- Ayes: 4 BOLLIG,KOLAR,MATANOandMILES
- Excused: 1 O'LOUGHLIN

CUP 2369 APPLICANT: JOHN P ZIEGLER LOCATION: 1256 US HIGHWAY 14, SECTION 7, TOWN OF RUTLAND CUP DESCRIPTION: allow for a residential dwelling in a commercial zoning district

Attachments: 11089 CUP 2369 Staff

CUP 2369 Town

CUP #2369

In favor: Mike Larson Opposed: None

A motion was made by BOLLIG, seconded by MATANO, that this Conditional Use Permit be approved with 1 condition. The motion carried by the following vote: 4-0.

1. The occupant of the residence shall be the business owner of the company operating on the premises.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

11090PETITION: REZONE 11090
APPLICANT: FOSEID FARM LLC
LOCATION: 9485 BRAUN ROAD, SECTION 13, TOWN OF
VERMONT, SECTION 18, TOWN OF CROSS PLAINS
CHANGE FROM: A-1EX Agriculture District TO A-2 (2) Agriculture
District, A-1EX Agriculture District TO A-4 Agriculture District
REASON: creating lot for existing residence and creating an agricultural
lot

Attachments: 11090 Staff

11090 Town

11090 Density

11090 Ord Amend

In favor: Tom Foseid Opposed: None

A motion was made by MILES, seconded by BOLLIG, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 4-0.

1. A deed restriction shall be recorded on the two properties tying the A-2(2) and A-4 parcels together so that they may not be sold separately.

2. A shared driveway easement agreement shall be recorded on the proposed A-2(2) parcel to provide access to the remaining ~65 acre property.

- Ayes: 4 BOLLIG,KOLAR,MATANOandMILES
- Excused: 1 O'LOUGHLIN

 11091
 PETITION: REZONE 11091

 APPLICANT: FOSEID FARM LLC

 LOCATION: SOUTH OF 9485 BRAUN ROAD, SECTION 13, TOWN

 OF VERMONT

 CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes

 District

 REASON: creating zoning boundary for a future residential dwelling

Attachments: 11091 Staff

<u>11091 Town</u>

11091 Density

11091 Ord Amend

In favor: Tom Foseid Opposed: None

A motion was made by MILES, seconded by BOLLIG, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0. 1. A shared driveway easement agreement shall be recorded on the property as noted under zoning petition 11090.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - O'LOUGHLIN

 11092
 PETITION: REZONE 11092

 APPLICANT: 3365 SIGGELKOW LLC

 LOCATION: 3365 SIGGELKOW ROAD, SECTION 36, TOWN OF

 BLOOMING GROVE

 CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes

 District

 REASON: creating two residential lots

Attachments: 11092 Staff

<u>11092 Town</u>

11092 Ord Amend

In favor: Randall Aschbrenner Opposed: None

A motion was made by BOLLIG, seconded by MILES, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

 11093
 PETITION: REZONE 11093

 APPLICANT: AFFELDT FAMILY TR

 LOCATION: NORTHWEST OF 1174 PRIMROSE CENTER ROAD,

 SECTION 9, TOWN OF PRIMROSE

 CHANGE FROM: A-1EX Agriculture District TO A-2 Agriculture District

 REASON: creating one residential lot

Attachments: 11093 Staff

11093 Town

11093 Density

11093 Ord Amend

In favor: Cynthia Pretzel Opposed: None

A motion was made by MILES, seconded by BOLLIG, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 4-0.

1. A deed restriction shall be recorded on the property with the following information:

a. Residential development and driveway installation shall be limited to the areas delineated on, and completed in accordance with, the site and engineering plans submitted with petition 11093.

b. Prohibit residential development on the balance of A-1EX zoned land owned by the applicant.

c. That portion of the Property which is remaining zoned A-1 Exclusive Agriculture District, (a) shall be accessed from Primrose Center Road, (b) shall be transferred as a single parcel, (c) shall not be further subdivided nor (d) shall not contain a driveway that connects to Oakgrove Road or Eith Road.

Notwithstanding the provisions of the preceding sentence, a part or parts of the A1-EX zoned property may be transferred to any transferee owning property adjoining the A1-EX zoned property, subject to the provisions of section 75.14 of the county land division code.

2. The petition shall be amended to include the rezone of tax parcel 0507-094-8640-0 from RH-4 to A-1EX to provide zoning compliance.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

| <u>11094</u> | PETITION: REZONE 11094 |
|--------------|--|
| | APPLICANT: JULIE M DIETERLE |
| | LOCATION: 1952 COUNTY HIGHWAY W, SECTION 30, TOWN OF |
| | CHRISTIANA |
| | CHANGE FROM: A-1EX Agriculture District TO A-2 (2) Agriculture |
| | District |
| | REASON: separating existing residence from farmland and creating a |
| | new residential lot |

Attachments: 11094 Staff

11094 Density

<u>11094 Map</u>

11094 App

In favor: Tom Dybevik Opposed: None

A motion was made by MILES, seconded by MATANO, that this Zoning Petition be postponed due to no town action. The motion carried by the following vote: 4-0.

Supervisor Miles would like to see a preliminary storm water management review letter from Dane County Land and Water Resource Department regarding the narrow width, 66-foot, will be adequate for any stormwater features needed for the driveway.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

 11095
 PETITION: REZONE 11095

 APPLICANT: PENTINMAKI REV TR, ISAAC R & GERIANN M

 LOCATION: 3446 PRAIRIE DRIVE, SECTION 26, TOWN OF

 DEERFIELD

 CHANGE FROM: RH-4 Rural Homes District TO RE-1 Recreational

 District and RH-3 Rural Homes District

 REASON: reducing existing residential lot and creating two recreational

 lots

Attachments: 11095 Staff

<u>11095 Town</u>

11095 Ord Amend

In favor: Isaac Pentinmaki Opposed: None

A motion was made by BOLLIG, seconded by MILES, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 4-0.

1. The RE-1 parcels shall be deed restricted to prohibit the construction of any buildings.

2. An access easement shall be recorded and shown on lot 2 of the CSM that provides pedestrian access to lot 3.

- Ayes: 4 BOLLIG,KOLAR,MATANOandMILES
- Excused: 1 O'LOUGHLIN

 11096
 PETITION: REZONE 11096

 APPLICANT: KATHLEEN M HARRY

 LOCATION: 4909 PIERCEVILLE ROAD, SECTION 35, TOWN OF

 SUN PRAIRIE

 CHANGE FROM: R-1A Residence District TO A-2 (1) Agriculture District

 REASON: shifting of property lines between adjacent land owners

Attachments: 11096 Staff

11096 Town

11096 Ord Amend

In favor: Brent Harry Opposed: None

A motion was made by MILES, seconded by MATANO, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

 11097
 PETITION: REZONE 11097

 APPLICANT: MANCHESKI ACRES

 LOCATION: 366 LONDON ROAD, SECTION 26, TOWN OF

 DEERFIELD

 CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes

 District

 REASON: shifting of property lines between adjacent land owners

Attachments: 11097 Staff

<u>11097 Town</u>

11097 Ord Amend

In favor: Scott Blazing Opposed: None

A motion was made by BOLLIG, seconded by MATANO, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

 11101
 PETITION: REZONE 11101

 APPLICANT: JCL RENTALS LLC

 LOCATION: 297 RODNEY ROAD, SECTION 2, TOWN OF

 CHRISTIANA

 CHANGE FROM: C-2 Commercial District TO C-2 Commercial District

 REASON: amend existing deed restriction on property to expand uses

Attachments: 11101 Staff

<u>11101 Town</u>

11101 Ord Amend

In favor: Jeff Levake Opposed: None

A motion was made by MATANO, seconded by BOLLIG, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 4-0.

The deed restriction found under ROD document #4138178 shall be amended to the following restrictions:

1. The property shall be limited exclusively to the following land uses: Contractor's offices and indoor storage of contractor's equipment, vehicles, and construction materials. Units #1 through #7 and #9 may be used for the indoor storage of personally owned items. Unit #8 may be used for the rental of seasonal indoor storage, but will not be made into individual condominium units. The building (Unit #8) will remain with six overhead doors on the east side and two overhead doors on the west side. There may be a total of two walk-in service door added.

2. Outside storage of materials, equipment, bulk fuel tanks, or vehicles is prohibited except for the specified areas as shown on the Site Development Plan for the benefit of Unit #7, having the dimensions of 100'x40' and 30'x80'. Business vehicles may be stored on the premises in the evening and during non-business hours.

3. The property shall be allowed to add one (1) more building to make a total of (9) units. There shall be a new Site Development Plan in place. After the ninth unit, the construction of additional buildings or expansion of buildings is prohibited, but the remodeling of the interior of existing structures is permitted as long as the footprint of the building is not expanded.

4. There shall be a maximum of nine (9) condominium units located on the property. The ownership units shall comply with boundary spaces as designated in the Site Development Plan. Unit spaces shall not be further divided or partitioned off to create separate ownership rental spaces.

5. With respect to the nine condominium units, there shall be no more than nine owners of those none units. Further, there shall be no more than nine businesses in operation at any time within those nine units. "Business" is defined as an ongoing commercial concern operating out of one or more units. Leasing of units shall be permitted provided the land use of the tenant is consistent with the deed restrictions.

6. All Deed Restrictions shall terminate in the event that the subject property is annexed in the future to the Village of Cambridge, WI.

7. The Board of Directors or "Manager" of the JCL Condominium Association and Jolly Rogers of Cambridge, LLC, have entered into an agreement with the Town of Christiana and Dane County acknowledging that occupants of Unit #1 are in violation of the recorded deed restrictions for the property. The coffee

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|--------------------------|--------------------------------|-------------------|
| Committee | by Committee | |
| | | |

warehousing business found within Unit #1 may remain lawfully in operation at said Unit #1 for so long as the current coffee warehousing business remains an ongoing concern. Upon termination or sale of said business, Unit #1 shall no longer be permitted to house any business non-compliant with the generally applicable deed restrictions.

8. The Board of Directors or "Manager" of the JCL Condominium Association and the Benno C Fischer Trust shall enter into an agreement with the Town of Christiana and Dane County that upon sale of said Unit(s) to a party whose ownership is not primarily controlled by Ben Fischer, Unit #5 and #6 as applicable shall no longer be permitted to house any business non-compliant with the generally applicable deed restrictions.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - O'LOUGHLIN

D. Zoning Map Amendments and Conditional Use Permits from previous meetings

11079PETITION: REZONE 11079
APPLICANT: MARY F NORDLAND
LOCATION: NORTH OF 2022 KOSHKONONG ROAD, SECTION 13 &
14, TOWN OF PLEASANT SPRINGS
CHANGE FROM: A-1EX Agriculture District TO RH-3 Rural Homes
District
REASON: shifting property lines between adjacent landowners

Attachments: 11079 Staff Update

<u>11079 Town</u>

11079 Ord Amend

A motion was made by BOLLIG, seconded by MATANO, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 4-0.

 A deed notice shall be recorded on parcels 0611-142-8500-3 and 0611-113-9330-2, the new RH-3 lot, to prohibit further residential development.
 A plat of survey shall be prepared for the entire 40-acre property owned by Dumke.

3. Warranty deeds shall be recorded for the transfer of lands.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - O'LOUGHLIN

E. Plats and Certified Survey Maps

| 2016 LD-053 | Final Plat - Spruce Valley |
|-------------|---------------------------------------|
| | Town of Middleton |
| | Staff recommends conditional approval |

Attachments: 2 28 17 conditional

3_FinalPlat

<u>map</u>

Spruce Valley review memo

A motion was made by BOLLIG, seconded by MILES, that the final plat of Spruce Valley be approved with conditions. The motion carried by a voice vote, 4-0.

1. Compliance with the Dane County Comprehensive Plan is to be established.

2. The public park land appropriation requirement is to be satisfied (private park land does not satisfy this requirement).

3. All streets shall be noted as dedicated to the public.

4. The Bhawani 1-lot proposed certified survey map is to be recorded.

5. Appropriate turn-around arrangements are to be shown on the plat at the east and west end of Spruce Valley Drive.

6. Utility easements are to be provided.

7. The existing septic system on proposed lot 4 shall be re-configured to keep all of the components within the proposed lot boundaries. The alternative would be to record an off-site septic easement.

8. Street names with respect to Ch. 76 of the Dane County Code of Ordinances are to be assigned.

9. Grading and surfacing. All streets shall be graded and surfaced in accordance with plans, specifications and requirements of the Dane County Highway Commission and the Town of Middleton.

10. Compliance with Ch. 14.45 DCCO, Erosion Control Plans is to be established.

11. Compliance with Ch. 14.46 DCCO, Stormwater Control Permits is to be established.

12. The required approval certificates are to be satisfied.

- Town of Middleton
- Dane County

2016 LD-052 Land Division Waiver - Public road frontage requirements Town of Burke Dane County Parks 3-lot Certified Survey Map

Attachments: waiver

20170203101552

A motion was made by MILES, seconded by MATANO, that the Land Division waiver be approved. The motion carried by a voice vote, 4-0.

Finding of fact: sensitive environmental features limit access extensively from STH 19. Certified Survey Map will show 33 feet of frontage along Mary Ida Drive.

| <u>2016 LD-051</u> | Land Division Waiver - Public road frontage requirements Town of Deerfield Pentinmaki 3-lot Certified Survey Map |
|---------------------|---|
| <u>Attachments:</u> | waiver |
| | <u>scan0029</u> |
| | A motion was made by MILES, seconded by BOLLIG, that the Land Division waiver be approved. The motion carried by a voice vote, 4-0. |
| | Finding of fact: The entire proposed lot lot 3 is mapped as wetlands and no development can occur. |
| <u>2016 LD-054</u> | Final Plat - The Reserve |
| | City of Sun Prairie |
| | Staff recommends a certification of non-objection. |
| <u>Attachments:</u> | Untitled |
| | 27618 The Reserve |
| | Stormwater Management Layout 2-14-2017 |
| | |

A motion was made by MATANO, seconded by MILES, that the final plat be certified with no objections. The motion carried by a voice vote, 4-0.

F. Resolutions

| <u>2016</u> | AMEND CONTRACT 12850 BETWEEN AYRES ASSOCIATES AND |
|----------------|---|
| <u>RES-526</u> | DANE COUNTY |

Sponsors: O'LOUGHLIN, BOLLIG, FERRELL and MILES

Attachments: 2016 RES-526

2016 RES-526 FISCAL NOTE

A motion was made by MILES, seconded by MATANO, that Resolution 526 be recommended for approval. The motion carried by the following vote: 4-0.

- Ayes: 4 BOLLIG,KOLAR,MATANOandMILES
- Excused: 1 O'LOUGHLIN

 2016
 AUTHORIZING ACCEPTANCE OF GRANT FUNDS FROM THE

 RES-527
 STATE OF WISCONSIN DEPARTMENT OF ADMINISTRATION,

 DIVISION OF INTERGOVERNMENTAL RELATIONS,

 WISCONSIN LAND INFORMATION PROGRAM

 AND

 DANE COUNTY

Sponsors: BOLLIG, FERRELL, MILES and O'LOUGHLIN

Attachments: 2016 RES-527

2016 RES-527 FISCAL NOTE

A motion was made by MILES, seconded by MATANO, that this Resolution 527 be recommended for approval. The motion carried by the following vote: 4-0.

- Ayes: 4 BOLLIG,KOLAR,MATANOandMILES
- Excused: 1 O'LOUGHLIN

G. Ordinance Amendment

2016AMENDING CHAPTER 10 OF THE DANE COUNTY CODE OFOA-067ORDINANCES, REGARDING CONDITIONAL USE PERMIT APPEALS

<u>Sponsors:</u> MILES, BOLLIG, KILMER, KOLAR, KRAUSE, MATANO, SCHMIDT, WILLETT, WILLIAMS and ZWEIFEL

Attachments: Memo for CUP appeal change

OA 67 Town Action

2016 OA-067

2016 OA-067 FISCAL NOTE

A motion was made by MATANO, seconded by BOLLIG, that Ordinance Amendment 2016 OA-67 be recommended for approval. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - O'LOUGHLIN

H. Items Requiring Committee Action

- I. Reports to Committee
- J. Other Business Authorized by Law

K. Adjourn

A motion was made by BOLLIG, seconded by MATANO, that the Zoning and Land Regulation Committee meeting be adjourned at 7:43 PM. The motion carried by a voice vote, 4-0.

Questions? Contact Roger Lane, Planning and Development Department, 266-4266, lane.roger@countyofdane.com